

(Appeal of Planning Commission Action)

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1929

1 WHEREAS, Red Star Auto Plaza, L.L.C. has submitted an application
2 designated as Special Permit No. 1929 for authority to park and display vehicles for sale in the
3 front yard on property located at 702 West O Street, and legally described to wit:

4 Lot 1, T.O. Haas Addition, located in the South Half of Section 22,
5 Township 10 North, Range 6 East, Lincoln, Lancaster County,
6 Nebraska;

7 WHEREAS, the Lincoln City-Lancaster County Planning Commission held a
8 public hearing on October 3, 2001 and has denied Special Permit No. 1929; and

9 WHEREAS, Red Star Auto Plaza has appealed the action of the Lincoln City-
10 Lancaster County Planning Commission denying Special permit No. 1929; and

11 WHEREAS, the community as a whole, the surrounding neighborhood, and the
12 real property adjacent to the area included within the site plan for this car lot will not be ad-
13 versely affected by granting such a permit; and

14 WHEREAS, said site plan together with the terms and conditions hereinafter set
15 forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and
16 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and
17 general welfare.

18 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
19 Lincoln, Nebraska:

20 That the application of Red Star Auto Plaza, L.L.C., hereinafter referred to as
21 "Permittee", to park and display vehicles for sale in the front yard on the property legally

1 described above be and the same is hereby granted under the provisions of Chapter 27.63 of
2 the Lincoln Municipal Code upon condition that said parking and displaying of vehicles for sale
3 be in strict compliance with said application, the site plan, and the following additional express
4 terms, conditions, and requirements:

5 1. If the use of the premises is changed from vehicle sales, this special
6 permit shall not be considered an adjustment or waiver of the standards for a parking lot nor
7 shall the area be considered a nonconforming parking lot.

8 2. The hood or trunk or both shall not be left open on the stored vehicles for
9 sale and resale in the front yard except when the vehicle is inspected by a customer.

10 3. Before storing vehicles for sale or resale in the front and side yards the
11 Permittee must submit a revised site plan to the Planning Department office for review and
12 approval showing the following revisions:

13 a. Standard parking lot barriers to prevent vehicles for sale from
14 extending into the street.

15 b. Parking stall and drive aisle dimensions with type of surfacing.

16 The parking areas do not need to be striped, however, they must
17 be shown for review of standards.

18 c. A landscape plan conforming to the design standards.

19 d. Add a note that the hood or trunk or both shall not be open except
20 when inspected by a customer or for servicing.

21 4. Before storing vehicles for sale or resale in the front yard, all
22 development and construction must conform to the approved plans.

23 5. All privately-owned improvements, including landscaping shall be
24 permanently maintained by the owner.

25 6. The site plan approved by this permit shall be the basis for all

1 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
2 elements, and similar matters.

3 7. The terms, conditions, and requirements of this resolution shall be
4 binding and obligatory upon the Permittee and the Permittee's successors and assigns. The
5 building official shall report violations to the City Council which may revoke the special permit or
6 take such other action as may be necessary to gain compliance.

7 8. The Permittee shall sign and return the City's letter of acceptance to the
8 City Clerk within 30 days following approval of the special permit, provided, however, said 30-
9 day period may be extended up to six months by administrative amendment. The City Clerk
10 shall file a copy of the resolution approving the special permit and the letter of acceptance with
11 the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2001:

Mayor